
Appeal Decision

Site visit made on 7 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/C4615/W/19/3239548
20 Wall Well, Halesowen B63 4SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Wilkes (KNR Systems) against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0722, dated 14 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is new dwelling to the land adjacent 20 Wall Well.
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Decision

1. The appeal is dismissed.

Main Issues

The main issues are the effect of the proposed development on:

- the character and appearance of the area;
- highway safety, with particular regard to parking provision; and
- the living conditions of the occupiers of No 20 and No 24 Wall Well in respect of light and outlook.

Reasons

Character and appearance

2. The site is located within a primarily residential area and is currently occupied by a single storey garage with hardstanding to its frontage. Wall Well falls steeply from the appeal site to its road junction with Huntingtree Road and Highfield Lane and, with the curvature of the road, the site occupies a prominent position in the street scene.
3. The appeal scheme comprises a two-storey dwelling with accommodation also to be provided within the roof space. The dwelling would have a pitched roof with gable end and a lower two-storey projecting gable to the site frontage.
4. Due to the steep pitch of the roof and its overall depth, which would be clearly visible from the street, it would appear bulky and be an imposing feature in the street scene. Furthermore, as the dwelling would sit at a lower ground level than the site frontage the roof would be the dominant feature of the building. Considering this and the prominent location of the site, the building would be a conspicuous addition within the street scene.

5. It is acknowledged that there are a mix of property styles and designs in the surrounding area, though the dwellings are predominately two-storey and set back from their frontages. Their overall size and bulk, in particular their roof forms, are not as prominent within the street scene as they predominately incorporate hipped roof or pitched roofs that slope away from their frontages.
6. There is an existing single storey garage on the site though its flat roof and single storey nature ensure it is not a conspicuous feature when viewed from the street. This would not be the case with the proposed dwelling. Although its height would follow the level change in the road, providing a stepped appearance, for the reasons outlined above the dwelling would nonetheless be a dominant and incongruous feature within the street scene.
7. In addition, the proposal includes the provision of parking to the site frontage. It is noted that the current site is predominately hard surfaced though considering the number of parking spaces that would need to be accommodated there would appear little opportunity to incorporate any soft landscaping, in addition to the necessary pedestrian access.
8. The lack of any soft landscaping, combined with the impact from the size and design of the proposed dwelling, in particular its roof arrangement, would result in the development having an imposing and harsh appearance in the street scene. Overall, the proposal would fail to respond to the prevailing pattern of development in the area and would therefore cause significant harm to the character and appearance of the site and surrounding area.
9. The proposal would therefore be contrary to Policies ENV2, ENV3, HOU2 and CSP4 of the Black Country Core Strategy, 2011 (BCCS) and Policies S6 and L1 of the Dudley Borough Development Strategy, 2017 (DBDS) which, amongst other things, seek to ensure that developments preserve or enhance local character, respond to local distinctiveness, achieve a high quality design and are of an appropriate design, scale and mass.
10. In addition, for the same reasons detailed above the proposal would fail to achieve the high-quality design requirements of the Council's New Housing Development Supplementary Planning Document, 2013 (SPD-Housing) or Section 12 of the National Planning Policy Framework (the Framework).
11. Although referenced in the reason for refusal BCCS Policy HOU1 relates to more strategic housing matters whilst BCCS Policy TRAN2 and DBDS Policy S17 deal with highways impacts which I have dealt with elsewhere in this decision. Therefore, with regards to this main issue I do not find any conflict with these Policies.

Highway safety

12. The proposal would include the provision of three parking spaces to the site frontage. This level of provision would accord with the Council's Parking Standards Supplementary Planning Document, 2017 (SPD-Parking). However, as detailed above the proposals have not fully demonstrated that this level of parking could be achieved whilst providing for a satisfactory standard of appearance for the development, through the provision of soft landscaping.
13. Whilst some on-street parking is available, this is limited as the properties in the surrounding area predominately have driveways. Increased demand for on-street parking in the vicinity would affect the ability of vehicles to safely enter

and leave their driveways, due to restricted manoeuvrability and visibility. This impact would be compounded by the level change and curvature of Wall Well which further limits visibility.

14. The appellant considers the provision of two parking spaces would be sufficient for the development though there is little evidence before me to justify this. The proposal is for a large family sized dwelling and, considering its suburban location, there is likely to be more dependency on private vehicles as reflected in the Council's parking standards.
15. Considering the uncertainty as to whether the necessary off-street parking spaces could be achieved in practice, I cannot be certain that the proposal would not lead to an increase in demand for on-street parking to the detriment of highway safety.
16. As it is not clear if sufficient space exists within the site to provide the required level of on-site parking this matter could not be dealt with by condition. Therefore, for the reasons stated the development would be contrary to BCCS Policy TRAN2 and DBDS Policies L1 and S17 which seek to ensure developments provide adequate parking, having regard to the Council's parking standards and not have a detrimental impact on highway safety.
17. The Council have referenced BCCS Policies ENV2, ENV3, HOU1, HOU2 and CSP4; and DBDS Policies S1 and S6. These policies do not specifically relate to highway matters and I have dealt with the visual impacts of the proposed parking on the character and appearance of the area above.

Living Conditions

18. No 24 Wall Well is located to the north of the appeal site and due to level changes is at a much lower ground level than the appeal site. Whilst the proposal would involve reductions to ground levels the proposed dwelling, due to its overall size and bulk would still be a dominant feature when viewed from No 24, particularly from the rear garden area.
19. This impact would also be exacerbated as No 24 is angled slightly towards the appeal site boundary and the dwelling, in particular the single storey rear projection would be more visible in outward views. Although the single storey projection would have a flat roof and be inset from the boundary, it would result in a sense of enclosure when viewed from No 24, restricting outlook and creating an oppressive feeling within the dwelling.
20. In addition, due to the orientation of the site in relation to No 24, there would be a significant impact on the sunlight and daylight to the existing kitchen window. Whilst there appears to be another window to the kitchen, it is further away and smaller in size, and so does not provide the main source of light to the room. The presence of this window would therefore not sufficiently mitigate the harm that would occur as a result of the proposed development.
21. Due to its overall size and design, and extent of the rear projection the proposal would also result in significant levels of shading to the rear garden of No 24. This would particularly impact the patio area, which as it is paved and directly adjacent to the dwelling, would likely be used more regularly throughout the year.

22. Due to the orientation of the site, extent of rear projection and proximity to the site boundary, the proposed development would have a significant impact on outlook and, daylight and sunlight to No 24 resulting in unacceptable harm to their living conditions. On that basis the proposed development would be contrary to BCCS Policy HOU2 and DBDS Policy L1 which seek to ensure that developments do not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings.
23. BCCS Policy HOU1 relates more to strategic housing matters and BCCS Policy CSP4 and DBDS Policy S6 do not deal with living conditions, and therefore, with regards to this main issue I do not find conflict with these Policies.
24. There are habitable room windows to the side of No 20 Wall Well which face on to the appeal site and are in very close proximity to the site boundary. The proposed dwelling would be inset from the side boundary though there would still be limited separation to the existing windows. The existing garage and boundary treatment would impact on outlook from these existing windows though considering their overall height I do not consider these would be overly dominant or intrusive features.
25. I note there is some disagreement between the parties as to whether these are the only windows to a habitable room. The appellant states that the windows serve a kitchen which has French doors to the rear elevation. On my site visit it was not possible to view the rear of No 20 due to the overgrown nature of the appeal site, though I did see that there is a single storey extension to the rear.
26. Therefore, even if the kitchen has an open plan layout, as indicated by the appellant, from my observations on site it appears that the room would have a considerable depth and the windows to the side elevation may not have a purely secondary function.
27. The proposal would result in a large flank elevation, in very close proximity and directly opposite the side windows and there would be little relief from the built form in outward views. Consequently, the development would be a dominant and visually intrusive feature when viewed from these windows.
28. However, without viewing the site from No 20 I am not able to conclude on this and as I am dismissing the appeal on other matters, I have not pursued this further with the parties. In any event, even if there was an absence of harm to the living conditions of No 20 this would have a neutral effect and would not, therefore, weigh in favour of the appeal.

Planning Balance

29. I note that Policies within the BCCS, DBDS and the Framework emphasise the need to support the efficient use of land and significantly boost the supply of new homes and support the efficient use of land. BCCS Policy HOU1 sets out a spatial strategy which promotes development on previously developed land (PDL). The guidance within the SPD-Housing however is clear that garden land no longer falls within the definition of PDL.
30. The site is within an urban setting and the development would follow the existing linear pattern of development in the area and retain sufficient garden space for No 20 Wall Well and the proposed dwelling. However, as outlined above the proposal would result in significant harm to the character and appearance of the surrounding area, highway safety and living conditions of

existing occupants. On that basis it would not accord with DBDS Policy S1 which requires developments to accord with other plan policies.

31. The proposal would provide an additional dwelling. However, the provision of one dwelling could only have a limited benefit in relation to boosting the supply of housing. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Development Plan or the Framework as a whole.

Other Matter

32. It is acknowledged that the Council provided pre-application advice and the appellant has stated that this was positive. Nonetheless the Council is not bound by such informal advice and having considered the appeal on its merits this does not, therefore, lead me to a different conclusion.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR